

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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CALVIN E. CARSON,

Plaintiff,

v.

CAROLYN COLVIN, Acting  
Commissioner of the  
Social Security Administration,

Defendant.

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**ORDER**

13-CV-1200

On June 25, 2014, United States District Judge Richard J. Arcara referred this case to Magistrate Judge Jeremiah J. McCarthy, pursuant to 28 U.S.C.

§ 636(b)(1)(B). See Docket Item 10. The case was transferred from Judge Arcara to the undersigned on November 24, 2015. See Docket Item 14.

On December 4, 2015, Magistrate Judge McCarthy filed a Report and Recommendation (Docket Item 15), recommending that the defendant's motion for judgment on the pleadings be denied and that the plaintiff's motion for judgment on the pleadings be granted to the extent that the case be remanded to the Acting Commissioner for further proceedings.

This Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties. No objections have been timely filed. Therefore, it is hereby

ORDERED that pursuant to 28 U.S.C. § 636(b)(1), and for the reasons explained in Magistrate Judge McCarthy's careful and detailed Report and Recommendation, the defendant's motion for judgment on the pleadings is denied, the plaintiff's motion for judgment on the pleadings is granted to the extent of remanding the case to the Acting Commissioner for further proceedings, and the case is remanded to the Acting Commissioner for further proceedings consistent with Magistrate Judge McCarthy's Report and Recommendation.

The Clerk of Court shall take all steps necessary to close the case.

IT IS SO ORDERED.

**s/Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE

Dated: February 9, 2016